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EXAMINER	
TAYLOR, NICHOLAS R	
ART UNIT	**PAPER NUMBER**
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,530	CABRERA ET AL.	
	Examiner	Art Unit	
	NICHOLAS TAYLOR	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38 and 40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38 and 40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on June 26th, 2008, has been entered.

2. Claims 1-38 and 40 have been presented for examination and are rejected.

Response to Arguments

3. Applicant's arguments filed June 26th, 2008, with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Claim Objections

4. Claim 37 is objected to because of the following grammatical informality: “a environmental." Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1-23, 27-28, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Thebaut et al. (U.S. Patent 5,889,953).

7. As per claims 1 and 28, Thebaut teaches a computing system that is capable of dispatching data structures for processing by groups of one or more software methods, a method for the computing system to perform deterministic rule-based dispatch of the data structure to a group of one or more software methods for further processing, the dispatch being deterministic and resulting in a single rule despite the existence of multiple rules that conflict regarding where the data structure should be dispatched, the method comprising the following: (Thebaut, col. 3, lines 17-60, fig. 1, and col. 17, lines 7-45; where a deterministic rule-based dispatch is made to dispatch a data structure to executable software methods for processing, see also example dispatch of col. 14, lines 48 to col. 15, line 16 and fig. 15)

an act of accessing a data structure that is to be processed by one or more software methods; (Thebaut, see, e.g., col. 3, lines 35-53 and col. 14, lines 48 to col. 15, line 16, where a data structure message is accessed/received over a network)

subsequent to the act of accessing the data structure, an act of evaluating a list of rules to identify a plurality of rules that apply to the dispatch of the data structure, each of the plurality of rules specifying a different group of one or more software

methods to which the data structure should be dispatched; (Thebaut, col. 3, lines 45-60, col. 4, lines 1-25, figs. 1-col. 14, line 48 to col. 15, line 16)

subsequent to the act of evaluating the list of rules, an act of resolving the plurality of rules to identify a single prevailing rule that will be applied for the dispatch of the data structure, wherein only the single prevailing rule will be applied for the dispatch of the data structure to the group of one or more software methods; and (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, where a single prevailing rule is applied for dispatch after resolution)

an act of dispatching the data structure to the group of one or more software methods specified by the single prevailing rule (Thebaut, see, e.g., col. 3, lines 35-53; col. 14, lines 48 to col. 15, line 16; and col. 14, lines 48 to col. 15, line 16, where a dispatch is effected based on the single prevailing rule).

8. As per claims 2 and 32, Thebaut teaches the system further wherein the data structure is a message, and wherein the act of accessing a data structure comprises an act of receiving the message over a network (Thebaut, see, e.g., col. 3, lines 35-53 and col. 14, lines 48 to col. 15, line 16, where a data structure message is accessed/received over a network).

9. As per claims 3 and 33, Thebaut teaches the system further wherein the act of resolving the plurality of rules to identify a single prevailing rule comprises the following: an act of applying a first prioritization mechanism (Thebaut, col. 4, lines 26-62, col. 10,

line 59 to col. 11, line 2, and col. 11, line 4-20, 34-44, and 50-65, where a prioritization mechanism is applied).

10. As per claim 4, Thebaut teaches the system further wherein the first prioritization mechanism is selected from the group consisting of: an express dominance mechanism, a prioritization level mechanism, and a unique identifier comparison mechanism (Thebaut, col. 4, lines 26-62, col. 10, line 59, where a variety of prioritization mechanisms are detailed).

11. As per claims 5 and 34, Thebaut teaches the system further wherein the application of the first prioritization mechanism narrows the plurality of rules to the single prevailing rule (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, where a single prevailing rule is applied).

12. As per claim 6, Thebaut teaches the system further wherein the application of the first prioritization mechanism guarantees that only one single rule will prevail under any circumstances from the plurality of rules (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, where a single prevailing rule is applied).

13. As per claim 7, Thebaut teaches the system further wherein the act of resolving the plurality of rules to identify a prevailing rule further comprises the following: an act of determining that the application of the first prioritization mechanism still resulted in more

than one rule; and in response, an act of applying a second prioritization mechanism (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, 34-44, and 50-56, where a single prevailing rule is applied after subsequent prioritization iterations).

14. As per claim 8, Thebaut teaches the system further wherein the second prioritization mechanism is selected from the group consisting of: an express dominance mechanism, a prioritization level mechanism, and a unique identifier comparison mechanism (Thebaut, col. 4, lines 26-62, col. 10, line 59, where a variety of prioritization mechanisms are detailed).

15. As per claim 9, Thebaut teaches the system further wherein the application of the second prioritization mechanism narrows the plurality of rules to the single prevailing rule (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, 34-44, and 50-56, where a single prevailing rule is applied).

16. As per claim 10, Thebaut teaches the system further wherein the application of the second prioritization mechanism guarantees that only one single rule will prevail under any circumstances from the plurality of rules (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, where a single prevailing rule is applied).

17. As per claim 11, Thebaut teaches the system further wherein the act of resolving the plurality of rules to identify a prevailing rule further comprises the following: an act of determining that the application of the second prioritization mechanism still resulted in more than one rule; and in response, an act of applying a third prioritization mechanism (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, 34-44, and 50-56, where a single prevailing rule is applied after subsequent prioritization iterations).

18. As per claim 12, Thebaut teaches the system further wherein the third prioritization mechanism is selected from the group consisting of: an express dominance mechanism, a prioritization level mechanism, and a unique identifier comparison mechanism (Thebaut, col. 4, lines 26-62, col. 10, line 59, where a variety of prioritization mechanisms are detailed).

19. As per claim 13, Thebaut teaches the system further wherein the application of the third prioritization mechanism narrows the plurality of rules to the single prevailing rule (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, 34-44, and 50-56, where a single prevailing rule is applied after subsequent prioritization iterations).

20. As per claim 14, Thebaut teaches the system further wherein the application of the third prioritization mechanism guarantees that only one rule will prevail under any

circumstances from the plurality of rules (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, where a single prevailing rule is applied).

21. As per claim 15, Thebaut teaches the system further wherein application of the third prioritization mechanism does not narrow the plurality of rules to the prevailing rule, the method further comprising the following: an act of continuing application of prioritization rules until the plurality of rules is narrowed down to just the single prevailing rule (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20 and 34-56, where a single prevailing rule is applied).

22. As per claim 16, Thebaut teaches the system further wherein the group of one or more software methods comprises a single method (Thebaut, see, e.g., col. 3, lines 25-60, fig. 1, and col. 14, line 48 to col. 15, line 16 that includes single methods).

23. As per claim 17, Thebaut teaches the system further wherein the group of one or more software methods comprises a temporally-ordered chain of a plurality of software methods (Thebaut, see, e.g., col. 3, lines 25-60, fig. 1, and col. 14, line 48 to col. 15, line 16, that includes temporally-ordered chains of methods).

24. As per claim 18, Scuba teaches the system further wherein the data structure is a first data structure, the plurality of rules is a first plurality of rules, the prevailing rule is a first prevailing rule, and the group of one or more method is a first group of one or

more software methods, the method further comprising the following: an act of accessing a second data structure that is to be processed; (Thebaut, col. 3, lines 17-60, fig. 1, and col. 17, lines 7-45; see also example dispatch of col. 14, line 48 to col. 15, line 16)

subsequent to the act of accessing a second data structure, an act of evaluating the list of rules to identify a second plurality of rules that apply to the dispatch of the second data structure, each of the second plurality of rules specifying a different group of one or more software methods to which the data structure should be dispatched; (Thebaut, col. 3, lines 45-60, col. 4, lines 1-25, figs. 1-col. 14, line 48 to col. 15, line 16)

subsequent to the act of evaluating the list of rules, an act of resolving the second plurality of rules to identify a single second prevailing rule that will be applied for the dispatch of the second data structure; and (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, 34-44, and 50-56, where a single prevailing rule is applied after subsequent prioritization iterations)

an act of dispatching the second data structure to the second group of one or more software methods specified by the single second prevailing rule (Thebaut, see, e.g., col. 3, lines 35-53; col. 14, lines 48 to col. 15, line 16; and col. 14, lines 48 to col. 15, line 16, where a dispatch is effected based on the single prevailing rule).

25. As per claim 19, Thebaut teaches the system further wherein the single first prevailing rule is the same as the single second prevailing rule such that the first group of one or more software methods is the same as the second group of one or more

software methods (Thebaut, e.g., see the methods and processing of column 4, lines 15-45 and col. 3, lines 35-60).

26. As per claim 20, Thebaut teaches the system further wherein the single first prevailing rule is different than the single second prevailing rule and the first group of one or more software methods is different than the second group of one or more software methods (Thebaut, e.g., see the methods and processing of column 4, lines 15-45 and col. 3, lines 35-60).

27. As per claim 21, Thebaut teaches the system further wherein one or more software methods in the first group of one or more software methods are also in the second group of one or more software methods (Thebaut, e.g., see the methods and processing of column 4, lines 15-45 and col. 3, lines 35-60, which include overlapping and non-overlapping groups of methods).

28. As per claim 22, Thebaut teaches the system further wherein the group of one or more software methods are executed by the computing system (Thebaut, col. 3, lines 17-60, fig. 1, and col. 17, lines 7-45, where the methods are executed)

29. As per claim 23, Thebaut teaches the system further wherein the computing system is a first computing system, the group of one or more software methods being executed by a second computing system that the first computing system is capable of

communicating with over a network, the act of dispatching the data structure to the group of one or more software methods comprising the following: an act of sending the data structure to the second computing system over the network (Thebaut, col. 3, lines 17-60, fig. 1, col. 14, line 48 to col. 15, line 16, and col. 17, lines 7-45; where a deterministic rule-based dispatch is made to dispatch a data structure to executable software methods for processing that is located on a second computer system across a network).

30. As per claims 27 and 36, Thebaut teaches the system further comprising: an act of accessing an instruction to amend the list of rules; and an act of automatically amending the list of rules in response to the instruction (Thebaut, see, e.g., col. 4, lines 35-54 including instructions to amend the list of rules).

31. As per claim 29, Thebaut teaches the system further wherein the one or more computer-readable storage media comprise physical storage memory media (Thebaut, see, e.g., col. 17, lines 7-45; see also fig. 15).

32. As per claim 30, Thebaut teaches the system further wherein the physical memory storage media comprises persistent memory (Thebaut, see, e.g., col. 17, lines 7-45; see also fig. 15).

33. As per claim 31, Thebaut teaches the system further wherein the physical memory storage media comprises system memory (Thebaut, see, e.g., col. 17, lines 7-45; see also fig. 15).

34. As per claim 35, Thebaut teaches the system further wherein application of the first prioritization mechanism does not narrow the plurality of rules to the prevailing rule, the method further comprising the following: an act of continuing application of prioritization rules until the plurality of rules is narrowed down to just the prevailing rule (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, 34-44, and 50-65).

35. As per claim 37, Thebaut teaches a computing system that is capable of dispatching data structures for processing by groups of one or more software methods, a method for the computing system to perform deterministic rule-based dispatch of the data structure to a group of one or more software methods for further processing, the dispatch being deterministic despite the existence of multiple rules that conflict regarding where the data structure should be dispatched, the method comprising the following: (Thebaut, col. 3, lines 17-60, fig. 1, and col. 17, lines 7-45; where a deterministic rule-based dispatch is made to dispatch a data structure to executable software methods for processing, see also example dispatch of col. 14, line 48 to col. 15, line 16)

an act of receiving a message over a network, wherein the message is to be processed by one or more software methods; and (Thebaut, see, e.g., col. 3, lines 35-53 and col. 14, lines 48 to col. 15, line 16, where a data structure message is accessed/received over a network)

in response to receiving the message over the network, a step for using a list of rules to deterministically dispatch the message to a group of one or more software methods, wherein the list of rules specifies a condition and a group of one or more software methods the message is dispatched to if the condition is met, wherein the condition is at least one of (1) a structural characteristic of the message, (2) the content of the message, or (3) a environmental condition (Thebaut, col. 3, lines 18-60, col. 4, lines 1-25, figs. 1-col. 14, line 48 to col. 15, line 16 and fig. 1)

36. As per claim 38, Thebaut teaches the system further wherein the step for using a list of rules to deterministically dispatch the message to a group of one or more software methods comprises the following:

an act of evaluating the list of rules to identify a plurality of rules consisting of only rules that apply to the dispatch of the message, each of the plurality of rules specifying a different group of one or more software methods to which the message should be dispatched; (Thebaut, col. 3, lines 45-60, col. 4, lines 1-25, figs. 1-col. 14, line 48 to col. 15, line 16)

an act of resolving the plurality of rules to identify a single prevailing rule that will be applied for the dispatch of the message, wherein only the single prevailing rule will

be applied to the message and none of the other rules identified in the plurality of rules or the list of rules will be applied to the message; and (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, where a single prevailing rule is applied for dispatch after resolution)

an act of dispatching the message to only the group of one or more software methods specified by the single prevailing rule (Thebaut, see, e.g., col. 3, lines 35-53; col. 14, lines 48 to col. 15, line 16; and col. 14, lines 48 to col. 15, line 16, where a dispatch is effected based on the single prevailing rule).

37. As per claim 40, Thebaut teaches a computing system comprising the following:

one or more processors; system memory; one or more computer-readable storage media having stored thereon a list of rules, each rule specifying a condition and a group of one or more software methods that a data structure should be dispatched to if the condition is met, the one or more computer-readable storage media further having stored thereon computer-executable instructions that, when executed by the one or more processors, causes the computing system to instantiate in the system memory the following: (Thebaut, col. 3, lines 17-60, fig. 1, and col. 17, lines 7-45; where a deterministic rule-based dispatch is made to dispatch a data structure to executable software methods for processing, see also example dispatch of col. 14, lines 48 to col. 15, line 16)

a comparison module configured to access a data structure and evaluate the list of rules to identify a plurality of rules that apply to the dispatch of the data structure; (Thebaut, col. 3, lines 45-60, col. 4, lines 1-25, figs. 1-col. 14, line 48 to col. 15, line 16)

a plurality of prioritization mechanisms configured to identify which conflicting rules take priority, at least one of the prioritization mechanisms guarantying only one single prevailing rule will be applied to the dispatch of the data structure and that none of the other rules contained in the list of rules will be applied to the dispatch of the data structure; a resolution module configured to use the plurality of prioritization mechanisms to identify the prevailing rule that will be applied for the dispatch of the data structure; and (Thebaut, col. 4, lines 26-62, col. 10, line 59 to col. 11, line 2, and col. 11, lines 4-20, where a single prevailing rule is applied for dispatch after resolution)

a dispatching mechanism configured to dispatch the data structure to only the group of one or more software methods specified by the one prevailing rule (Thebaut, see, e.g., col. 3, lines 35-53; col. 14, lines 48 to col. 15, line 16; and col. 14, lines 48 to col. 15, line 16, where a dispatch is effected based on the single prevailing rule).

Claim Rejections - 35 USC § 103

38. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

39. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thebaut et al. (U.S. Patent 5,889,953) and Kuznetsov et al. (U.S. PGPub 2006/0265689).

40. As per claim 24, Thebaut teaches the above, yet fails to teach wherein the data structure is a Simple Object Access Protocol (SOAP) envelope.

Kuznetsov teaches the use of Simple Object Access Protocol envelopes (e.g., paragraph 0155) and XPATH rule-based statements (paragraphs 0028-0030) in a network rule processing system (paragraph 0056).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Thebaut and Kuznetsov to provide the network system of Kuznetsov in the system of Thebaut, because doing so would allow efficient XML markup processing compatibility in a network rules system and widen the system format capabilities (e.g., see Kuznetsov paragraphs 0021-0023 and 0025).

41. As per claim 25, Thebaut-Kuznetsov teaches the system further wherein the list or rules is expressed using XPATH statements (Kuznetsov, paragraphs 0028-0030).

42. As per claim 26, Thebaut teaches the above, yet fails to teach wherein the list or rules is expressed using XPATH statements.

Kuznetsov teaches the use of Simple Object Access Protocol envelopes (e.g., paragraph 0155) and XPATH rule-based statements (paragraphs 0028-0030) in a network rule processing system (paragraph 0056).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Thebaut and Kuznetsov to provide the network system of Kuznetsov in the system of Thebaut, because doing so would allow efficient XML markup processing compatibility in a network rules system and widen the system format capabilities (e.g., see Kuznetsov paragraphs 0021-0023 and 0025).

Conclusion

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NT/
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